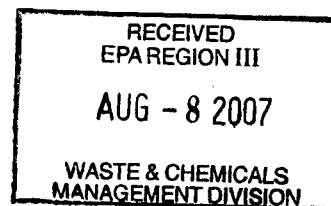




Post Office Box 216  
Tyrone Industrial Park  
Tyrone, PA 16686-0216

Telephone: 814-684-4310  
Facsimile: 814-684-7532



August 7, 2007

Mr. Harry T. Daw  
United States Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

Mr. Daw:

We have received the Notice of Violation for the RCRA Compliance Evaluation Inspection that took place at our Tyrone, PA facility on June 27-28, 2006. Our understanding from this Notice of Violation is that all issues identified by the inspector have been satisfactorily addressed and that no penalties are being proposed. Based on that understanding, Albemarle has decided not to pursue the matter further, although we would otherwise take issue with certain of the findings.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ivan E. Riggle".

Ivan E Riggle  
Site Compliance Manager



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**FED EX**

Mr. James Burkey  
Environmental Engineer  
Albemarle Corporation  
2 Adams Avenue  
Tyrone Industrial Park  
Tyrone, PA 16686

**JUL 18 2007**

**Re: Notice of Violation**  
Compliance Evaluation Inspection  
June 27 & 28, 2006  
EPA ID No. PAD030069140

**Docket Number: R3-07-NOV-RCRA-34**

Dear Mr. Burkey:

On June 27 & 28, 2006 the U.S. Environmental Protection Agency (EPA), Region III conducted a Compliance Evaluation Inspection ("CEI") pursuant to the federally authorized Pennsylvania Solid Waste Management Act ("SWMA"), as amended, 35 P.S. §§6018.101 - 6018.1003, and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on that inspection, EPA has determined that Albemarle Corporation, at its facility located in Tyrone, PA 16686 (Albemarle or the "Facility") has violated regulations governing the management of hazardous waste under the federally authorized Pennsylvania Hazardous Waste Management Program and the federal RCRA regulatory program. A copy of the inspection report is attached. As a result of this finding, the Agency is issuing this **Notice of Violation ("NOV")**. The specific violations are:

1. During the EPA inspection of the Laboratory building a fifty-five gallon container was observed outside of the building inside a secondary container. The secondary container was observed to be labeled as Hazardous Waste but the actual fifty-five gallon container was not labeled as Hazardous Waste. State and federal regulations at 25 PA 262.34(a)(3) [40 CFR 262.34(a)(3)] require that:

*"While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste."*

2. The same fifty-five gallon container was also observed not to be marked with an accumulation start date though the secondary container was. State and federal regulations at 25 PA 262.34(a)(2) [40 CFR 262.34(a)(2)] require that:

*"The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container."*

3. Ancillary equipment to the hazardous waste storage tanks was observed throughout the process areas of the facility. Of the approximately 150 valves and pumps included as ancillary equipment, about 75% of the total were observed to not be equipped with identifying markings. The facility stated that P&ID drawings are the source of how the facility identifies ancillary equipment subject to Subpart BB monitoring. State and federal regulations at 25 PA 265.1050(c) [40 CFR 265.1050(c)] require that:

*"Each piece of equipment to which this subpart applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment."*

4. A tanker truck used for the accumulation of Hazardous Waste was observed on Pad #1 in the Process Area B-1 raw material storage area. The tanker truck was stated to have been stationary in this location for 13 months prior to the EPA inspection. The tanker truck was located inside a secondary containment area but a heavy rainstorm that occurred during the inspection revealed that the secondary containment system was not capable of containing a release. State and federal regulations at 25 PA 265.193(b)(2) [40 CFR 265.193(b)(2)] require that:

*"Secondary containment systems must be : Capable of detecting and collecting releases and accumulated liquids until the collected material is removed."*

5. The Waste Tank Pad Area, which is the location of the hazardous waste storage tanks at the facility, was observed to have eroded areas and cracks in the secondary containment pad. State and federal regulations at 25 PA 265.193(d)(2)(iv) [40 CFR 265.193(d)(2)(4)] require that:

*"Vault systems must be: Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of the waste into the concrete."*

6. The assessments that were reviewed for Hazardous Waste Tanks 2,3,5,6,7,8,9 & 10 were observed to not be certified by a Professional Engineer. State and federal regulations at 25 PA 265.191(a) [40 CFR 265.191(a)] require that:

*"For each existing tank system that does not have secondary containment meeting the requirements of § 265.193, the owner or operator must determine that the tank system is not leaking or is unfit for use. Except as provided in paragraph (c) of this section, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer in accordance with § 270.11(d) of this chapter..."*

7. The generic job description used for Process Operator(s) was observed to not contain a description of the hazardous waste duties involved with the position. State and federal regulations at 25 PA 265.16(d) [40 CFR 265.16(d)] require that:

*"The owner or operator must maintain the following documents and records at the facility:*

*The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;*

*A written job description for each position listed under paragraph (d)(1) of this Section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position."*

A copy of the Inspection Report (Attachment No. 1), documenting the findings of the inspector, is enclosed for your information and includes only those attachments not provided by the facility representatives at the time of the inspection.

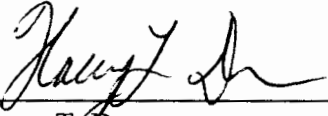
The inspector has received documentation resolving each of the violations listed above; therefore a response to this letter is not necessary unless you feel these findings are incorrect. If that is the case then provide an explanation of the facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed (Attachment No. 2), which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing violations, including the ones cited in this letter, or past violations in any future enforcement action. Any correspondence provided by Albemarle Corporation concerning this NOV shall be addressed to:

Mr. Jan P. Szaro  
U.S. Environmental Protection Agency - Region III  
RCRA Compliance and Enforcement Branch (3WC31)  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

If you have any questions regarding this matter, please feel free to contact Mr. Szaro, Enforcement Officer, at (215) 814-3421.



Harry T. Daw  
Associate Director  
Office of Enforcement  
Waste and Chemicals Management Division

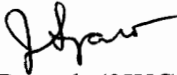
7/17/07  
Date

Enclosure


cc: R. Shipman, PADEP w/o  
T. DiFiore 3WC31 w/o  
J. Szaro 3WC31 w/o

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Notice of Violation  
Albemarle Corporation  
Tyrone, PA 16686  
July 16, 2007

FROM: Jan Szaro, Environmental Engineer   
RCRA Compliance and Enforcement Branch (3WC31)

TO: Harry T. Daw, Associate Director for Enforcement  
Waste & Chemicals Management Division (3WC30)

THRU: Carol Amend, Chief   
RCRA Compliance and Enforcement Branch (3WC31)

I recommend that you sign the attached Notice of Violation which addresses violations of RCRA, as amended, 42 U.S.C. Sections 6901 et seq. by Albemarle Corporation. This case involves violations of the hazardous waste regulations.

A. **Respondent**

Albemarle Corporation  
PAD030069140

B. **Type of Action**

The recommended action is an administrative proceeding for issuance of a Notice of Violation for violations.

C. **Summary of the Case**

- Failure to label one (1) hazardous waste 55 gallon container of <90-day hazardous waste with the words "Hazardous Waste"
- Failure to mark one (1) 55 gallon container of <90-day hazardous waste with an accumulation start date
- Failure to mark ancillary equipment to the hazardous waste storage tanks in such a manner that it can be distinguished readily from other pieces of equipment
- Failure to have a secondary containment area capable of collecting releases and accumulated liquids until the collected material can be removed

- Failure to maintain a secondary containment area vault system such that it provides an impermeable interior coating or lining
- Failure to have certifications by a Professional Engineer on the written assessments for Hazardous Waste tanks 2,3,5,6,7,8,9 & 10
- Failure to have a written description of hazardous waste duties on the generic job description for Process Operator(s) at the facility

**D. State or City Involvement**

State participated in the inspection and was notified of this action on 1/16/07.

**E. Respondent's RCRA History**

The facility has had a clear history in recent inspections.

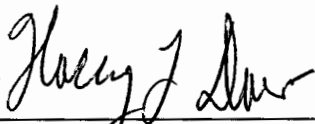
**F. EPA Policy Impact**

This case is consistent with EPA policy.

**G. Public and Congressional Relations**

No special public or congressional concern is expected in response to this action.

If you have any questions regarding this matter, please feel free to contact Mr. Szaro, Enforcement Officer, at (215) 814-3421.



Harry T. Daw  
Associate Director  
Office of Enforcement  
Waste and Chemicals Management Division

\_\_\_\_\_  
Date

Enclosure

cc: R. Shipman, PADEP w/o  
T. DiFiore 3WC31 w/o  
J. Szaro 3WC31 w/o

CONCURRENCES							
SYMBOL	3WC31	3WC31	3WC31	3WC30			
SURNAME	J. Szaro	K. Cox	C. Amend	H. Daw			
DATE	7/16/07		7/16/07	7/17/07			